

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

OCT 08 2010

JULIA C. DUDLEY, CLERK  
BY: *S. Dudley*  
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CALVIN PERRY, ) Civil Action No. 7:10-cv-00447  
Petitioner, )  
 )  
v. ) ORDER  
 )  
UNITED STATES OF AMERICA, ) By: Hon. James C. Turk  
Respondent. ) Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

**ORDERED**

that petitioner's motion for leave to proceed in forma pauperis is **GRANTED**; petitioner's petition for a writ of mandamus, pursuant to 28 U.S.C. § 1361, is **DISMISSED as frivolous**; and the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the petitioner.

ENTER: This 8<sup>th</sup> day of October, 2010.

*James C. Turk*  
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Senior United States District Judge